

REMARKS

Claims 1-11 and 20-40 are pending in this application. By this Amendment, independent claims 1 and 38 are amended for clarity. A Request for Continued Examination is attached. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-11 and 20-40 under 35 U.S.C. §103(a) over Fredlund et al. (Fredlund), U.S. Patent No. 6,154,295, in view of Nardoizzi et al. (Nardoizzi), U.S. Patent No. 6,636,837. The rejection is respectfully traversed.

Contrary to the Office Action's assertion, the combination of Fredlund and Nardoizzi fails to disclose or suggest (1) a charge determiner that determines a print charge of the present print order by deducting a predetermined amount from the print charge, and a plurality of predetermined time periods are prepared and the charge determiner deducts a different predetermined amount from the print charge for each of the plurality of predetermined time periods, as recited in independent claims 1 and 38; (2) a checker that checks whether or not the user has previously ordered a print with the same laboratory system, as recited in independent claims 20 and 39; and (3) a checker that checks whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder, as recited in independent claims 28 and 40.

With respect to (1), Fredlund teaches that a customer may either have the digital file of their negatives deleted or extended for a certain period of time, and that there are several services and special price advantages offered during the time period (col. 3, lines 47-56; col. 4, lines 43-50). If any service is ordered by the customer, maintenance of the digital negatives file may be extended (col. 3, lines 56 and 57; col. 4, lines 50 and 51). The Office Action on page 18 asserts, based on col. 4, lines 39-55 of Fredlund, that it is during these time periods that special price advantages are offered, and that the time periods are analogous to

time periods where an amount is deducted for a particular time period. However, as evident from col. 4, lines 36-38, the "charge" disclosed by Fredlund is a nominal fee for extending the store period of the digital negatives, but not a print charge, as recited in independent claims 1 and 38. Further, "the special prices that may apply" referred to in col. 4, lines 48-50 corresponds to only one discount amount, not a different predetermined amount from the print charge for each of the plurality of predetermined time periods, as recited in independent claims 1 and 38. Further, Nardozzi fails to account for these deficiency of Fredlund. Nardozzi merely discloses offering discount coupons to customers to encourage customers to try new goods and services (col. 9, lines 39-52). Accordingly, independent claims 1 and 38, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

With respect to (2), the Office Action on page 19 asserts that Nardozzi discloses providing an incentive in the form of a promotional discount to a customer who previously used or ordered a service (see col. 9, lines 18-52). The Office Action asserts that the incentive is provided regardless of the content of the previous order because although the order is customized in different formats, it is still based on the record of the order. However, nowhere does Nardozzi disclose or suggest checking whether or not the user has previously ordered a print with the same laboratory system, as recited in independent claims 20 and 39, and the Office Action fails to cite any evidence or support to the contrary. Further, Fredlund fails to overcome the deficiencies of Nardozzi. Fredlund merely teaches that the developed film 18, prints 22 and index print 32 are sent to the customer along with instructions 38 informing the customer of the printing and related photographic services available (col. 3, lines 41-45). Based on this information, the customer can call a 1-800 number, to either have the digital file of their negatives deleted or extended for a certain period of time (col. 3, lines

47-50). Accordingly, independent claims 20 and 39, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

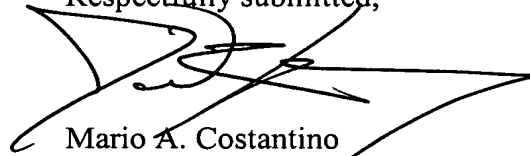
With respect to (3), the Office Action on page 19 again asserts that Nardozzi discloses providing an incentive in the form of a promotional discount to a customer who previously used or ordered a service (see col. 9, lines 18-52). The Office Action asserts that the Nardozzi apparatus checks whether or not a customer previously ordered or used the services. However, nowhere does Nardozzi disclose or suggest checking whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder, as recited in independent claims 28 and 40, and the Office Action fails to cite any evidence or support to the contrary. Further, Fredlund fails to overcome these deficiencies of Nardozzi. Accordingly, independent claims 28 and 40, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

Thus, independent claims 1, 20, 28 and 38-40, along with their dependent claims, are patentable over Fredlund and Nardozzi. Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 and 20-40 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: July 5, 2007

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